

ATTACHMENT 6--DEFENDANT'S SUBMISSION.

Deleted: DISCUSSION DRAFT

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

SOVERAIN SOFTWARE LLC,

Plaintiff,

v.

Case No. 6:07-CV-00511-LED

CDW CORPORATION,

NEWEGG INC.,

REDCATS USA, INC.

SYSTEMAX INC.,

ZAPPOS.COM, INC.,

REDCATS USA, L.P.,

THE SPORTSMAN'S GUIDE, INC.,

AND

TIGERDIRECT, INC.,

Defendants.

DEFENDANT'S SUBMISSION OF

JOINT PROPOSED VERDICT FORM

In answering these questions, you are to follow all of the instructions I have given you in the Charge of the Court.

QUESTION NO. 1

Did Sovereign prove, by a preponderance of the evidence, that Newegg directly infringed the patent claims of the '314 Patent and the '492 Patent?

Deleted: A.

For each claim, answer "Yes" or "No".

Deleted: B. Did Sovereign prove, by a preponderance of the evidence, that Newegg induced infringement of the patent claims of the '314 Patent and the '492 Patent?[]

'314 Patent:

Deleted: in column 1A

**(Direct
Infringement)**

Deleted: If for any claim your answer in column 1A is "No," then for that claim you must answer "Yes" or "No" in column 1B. If for any claim your answer in column 1A is "Yes," then do not answer column 1B for that claim.

Claim 35: _____

Claim 49: _____

Claim 51: _____

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'492 Patent:

**(Direct
Infringement)**

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Claim 17: _____

Claim 41: _____

Claim 61: _____

QUESTION NO. 2

Did Soverain prove, by a preponderance of the evidence, that Newegg directly infringed the patent claims of the '639 Patent?

For each claim, answer “Yes” or “No.”

'639 Patent:

Claim 60: _____

Claim 66: _____

Claim 68: _____

Claim 79: _____

QUESTION NO. 3

3. Did Newegg prove, by clear and convincing evidence, that the patent claims of the '314 Patent, the '492 Patent, and the '639 Patent are invalid as anticipated by the prior art?

For each claim, answer “Yes” or “No.”

'314 Patent:

Claim 35: _____

Claim 49: _____

Claim 51: _____

'492 Patent:

Claim 17: _____

Claim 41: _____

Claim 61: _____

'639 Patent:

Claim 60: _____

Claim 66: _____

Claim 68: _____

Claim 79: _____

Deleted: '314 Patent:¶
Claim 49:

... [1]

QUESTION NO. 4

4. Did Newegg prove, by clear and convincing evidence, that the patent claims of the '314 Patent, the '492 Patent, and the '639 Patent are invalid as obvious to a person of ordinary skill in the field of technology at the time the invention of that claim was made?

For each claim, answer "Yes" or "No."

'314 Patent:

Claim 35: _____

Claim 49: _____

Claim 51: _____

'492 Patent:

Claim 17: _____

Claim 41: _____

Claim 61: _____

'639 Patent:

Claim 60: _____

Claim 66: _____

Claim 68: _____

Claim 79: _____

Deleted: '314 Patent;¶
Claim 34:

... [2]

QUESTION NO. 5

5. Did Newegg prove, by clear and convincing evidence, that the '780 patent fails to support the claims of the '639 patent for lack of written description, lack of enablement, and/or failure to set for the best mode of practicing the invention?

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Answer "Yes" or "No."

Answer: _____

Answer Question No. 6 for any patent for which you answered “Yes” for one or more of the claims in Question No. 1, and for which you also answered “No” for the same claim in both Questions Nos. 3 and 4.

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QUESTION NO. 6

6 What sum of money, if paid now in cash, do you find should be awarded to Sovereign as adequate to compensate it for the patent claims you have found to have been infringed?

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'314 Patent and/or '492 Patent \$ _____

Answer Question No. 7, if you answered "Yes" for one or more of the claims in Question No. 2, and for which you also answered "No" for the same claim in Questions Nos. 3 and 4.

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Deleted: both

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Deleted: , or 5. and 4.

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QUESTION NO. 7

7 What sum of money, if paid now in cash, do you find should be awarded to Soverain as adequate to compensate it for the patent claims you have found to have been infringed?

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'639 Patent \$ _____

SIGNED this _____ day of February, 2010.

JURY FOREPERSON

Defendant's Submission of

NYI-4232317v1

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'314 Patent:

Claim 49: _____

'492 Patent:

Claim 17: _____

'639 Patent:

Claim 60: _____

Claim 68: _____

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'314 Patent:

Claim 34: _____

Claim 51: _____

'492 Patent:

Claim 17: _____

Claim 41: _____

'639 Patent:

Claim 60: _____

Claim 66: _____

Claim 68: _____

Claim 79: _____

